

# DPD December 5, 2014 After Action Report

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## Background

On December 3, shortly after the grand jury decision came out on the Eric Garner case in New York, Durham police intelligence investigators became aware that protests were planned for Thursday, December 4 and Friday, December 5 in downtown Durham. Information posted on social media indicated that the event on Thursday was planned to be peaceful. Language in posts said that children would be safe on Thursday. (see attachment 1 – Intelligence Information)

## Thursday, December 4 Event

More than 150 people attended the event on Thursday, December 4 at the CCB Plaza in downtown Durham. Several people spoke at the event and the event remained peaceful. The Mobile Field Force was on standby but they were not seen by the public. Approximately a dozen bicycle officers were visible at the event. The event started at 6 p.m. and peacefully dispersed more than an hour later.

## Friday, December 5 Protest

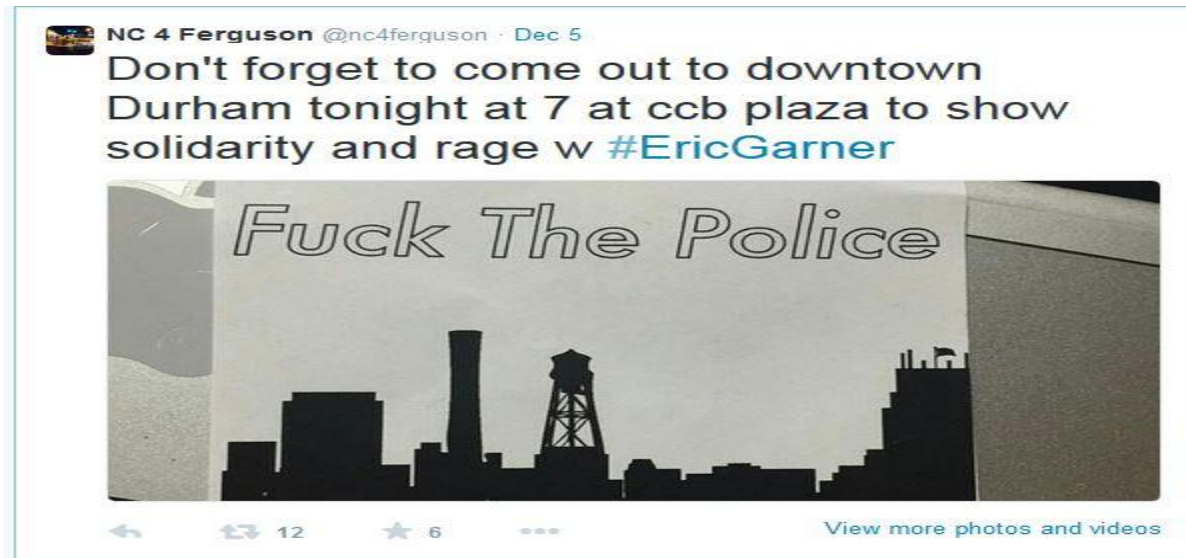
Based on posts from social media, intelligence officers believed this event would involve civil unrest and the Police Department prepared accordingly (see attached intelligence information – Attachment 1)

The information included the following posts and photos our intelligence officers found on social media from some of the event organizers:



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By Friday afternoon, the Facebook event page indicated that more than 500 people were planning to attend the event Friday night. As the day progressed we began assembling available officers to protect police assets, based on prior damage.

A briefing was held with officers at 5 p.m. on Friday at Police Headquarters to discuss the upcoming event.

### Staffing

There were approximately 120 officers involved. The Durham County Sheriff's Office, the Durham Fire Department and Durham County EMS also assisted in handling the protest.

The officers included 35 investigators from the Criminal Investigations Divisions throughout the city. The investigators had nothing but helmets and batons to protect themselves. There were 16 bicycle officers wearing bicycle helmets who were visible throughout the protest. Other officers included officers from the Motorcycle Unit, the Violent Incident Response Team (VIRT) and officers posted at police properties throughout the city.

In addition to these officers, the 23-member Mobile Field Force was available. The MFF consists of officers who are specially trained in high-risk crowd management and handling medium to large scale civil disturbances and riots. MFF officers are equipped

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with blunt force trauma protective gear and batons. The 12-member Selective Enforcement Team (SET) was also available for deployment if needed. They are equipped with full ballistic gear.

The Durham County Sheriff's Office provided assistance with prisoner transport, traffic control and intelligence information. Representatives from the Durham Fire Department and Durham County EMS were present at the command center.

### **American Tobacco Tower Lighting**

One concern about the planned protest was an event planned for Friday night at the American Tobacco Campus. A holiday event was scheduled to start at 6 p.m., followed by the tower lighting at 7 p.m. The protest was scheduled to start at 7 p.m. at the CCB Plaza, which is only a few blocks from the American Tobacco Campus. The protesters did not disrupt the event. Durham officials were concerned because protesters had planned to attempt to disrupt the tree lighting at Rockefeller Center in New York City on December 3.

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## Timeline

(Times used in this report are based on scribe notes and 911 dispatch information)

### Start of Event

A crowd started to gather around 7 p.m. at the CCB Plaza in downtown Durham. Some people were wearing masks, bandanas, dark clothing and backpacks. They had banners and some had drums. Officers recognized several participants from previous protests at this event. There were several people in the crowd who had gas masks and bags marked with Red Cross symbols and the word "medic" on it. These were not Durham County EMS medics.

The crowd at the bull grew to approximately 250–300 people and there were several children in the crowd. Several people spoke to the crowd and many chanted anti-police rhetoric including "F\*\*\* the police." One speaker told the crowd "We are at war with the police." The only visible officers at that location were the bicycle officers.

### Plans to Target DPAC and the Durham County Jail

We received information around 8 p.m. that the group planned to target the Durham County Jail and DPAC, which had shows scheduled at 7:30 p.m. and 10 p.m. on Friday.

### March Starts

At approximately 8:22 p.m., the crowd started marching down Main Street toward Mangum Street. Several people were wearing masks and carrying banners. Approximately five minutes later, they were in the area of the Durham County Jail and DPAC. Officers were forced to shut down traffic on Mangum Street and notify railroad authorities to halt all train traffic. The protesters were allowed to remain on the street on Mangum Street in front of DPAC. By 8:40 p.m., the CCB Plaza was empty.

### Protesters at DPAC/Durham County Jail

At 8:28 p.m., the crowd, which was estimated at approximately 300 people, congregated on Vivian Street in front of DPAC. One minute later, we received reports that members of the crowd were launching fireworks at the jail and traffic going to DPAC was "backed up pretty good." At 8:34 p.m., 15 to 20 protesters started lying in

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the street on Vivian Street and other protesters threw paint on the road. There were still children in the crowd. At 8:40 p.m., protesters were setting off fireworks in the middle of the street.

### **March Toward Durham Freeway**

At 8:42 p.m., protesters started moving toward the Durham Freeway ramp and chanting, "Shut it down." Protesters also took a large Dumpster from DPAC and people tossed barricade materials in it. At this time, tactical command told Mobile Field Force officers to get out of their vans. The MFF officers were deployed to Jackie Robinson Place and Mangum Street. **(This is the first time any officers wearing riot gear were visible to the protesters).**

At 8:45 p.m., bicycle units were deployed to go to the Durham Freeway on ramp to join Mobile Field Force officers. Officers were attempting to block the protesters from reaching the Durham Freeway. In case the protesters made it to the Durham Freeway, the Police Department already had a contingency plan to shut down the entire Durham Freeway to protect the safety of the motorists and protesters.

At 8:49 p.m., after pushing past officers, large numbers of protesters started to climb over fences to get on the Durham Freeway. Officers quickly shut down all lanes of the Durham Freeway. However, before officers were able to completely shut down the southbound lanes, some drivers were forced to drive their vehicles off the road to avoid striking protesters.

Officers also received information that protesters were trying to start a Dumpster fire with a flare at the same time.

At 8:51 p.m., there were approximately 50 people lying in the southbound lanes of the Freeway. Two minutes later, the protesters were starting to take over northbound lanes of Durham Freeway.

### **Officers Assaulted**

An officer, in obvious distress, screamed for additional officers to help out after the officer was assaulted and knocked to the ground. At this point, officers responded

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from all over the city to assist. Protesters started throwing debris, including sticks and rocks, at officers and one officer was hit in the head with a stick.

**Durham Freeway Shut Down** – Protesters continued to walk on the Durham Freeway between Mangum Street and Chapel Hill Street for approximately 35 minutes, surrounding vehicles trapped on the Freeway and snaking around stopped cars and trucks. In some cases, they actually jumped in front of cars trying to get on the freeway. Traffic was backed up as far as we could see in both directions.

At 9:05 p.m., there were approximately 50 people lying in the southbound lane and an additional 50 people standing with their hands up blocking traffic. At one point during the traffic shutdown, protesters had separated three officers doing traffic control and surrounded them. The Durham Freeway was shut down completely for 35 minutes.

This is a description of the Durham Freeway incident, which was posted on the TriANARCHY blog on December 10 (see attachment 2)–

*“ We all quickly walked by the cops on bikes and motorcycles that were blocking the north on ramp to the highway with out much event; I think they were surprised we didn’t head straight into them. Then we crossed over the overpass and made a sharp right onto the off ramp. I could see that there were cop cars blocking our path and riot cops standing in the road blocking us. People began to pull the materials from our dumpster and started to litter the streets with them.*

*At the same time the crowd mostly began to head up on the hill, which lead up to the highway. As people were fighting with the cops to break through their lines on the hill, our crew acted quickly. We rolled the dumpster up to the cars, flipped it and I began throwing the trash bags and traffic cones at the cars. A friend shot fire works at the cops attempting to stop us, someone light a flare, trying to light the dumpster on fire. Sticks and fire works were thrown at the cops and I saw a handful of cops rush us in an attempt to grab someone.*

*Quickly I realized that we were the only ones left in the immediate area, and I scampered up the hill where the entire march had successfully made it onto the highway and was now blocking both north and south bound traffic! I embraced non black bloc friends, people were cheering, it was great to feel our power.”*

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## **March to Police Headquarters**

Officers noticed several people from the crowd conducting counter surveillance at Police Headquarters on West Chapel Hill Street around 9:20 p.m. The bulk of the crowd arrived at Durham Police Headquarters around 9:27 p.m. and chanted and banged drums in the intersection of Chapel Hill and Duke streets, blocking traffic.

## **DATA Buses Diverted**

At 9:30 p.m., DATA diverted buses from the area and locked down the main terminal at Durham Station.

## **Return to DPAC**

The crowd started to walk and run toward DPAC. People were leaving a 7:30 p.m. show and coming in for a 10 p.m. show, which meant there were several thousand people in the area at the time. At 9:38 p.m., bicycle units and CID officers were trying to block the crowd on Vivian Street but many people in the crowd, some wearing masks, pushed through the officers and ran toward DPAC. One minute later, an officer called command and said, "They are trying to take over the DPAC."

Dispatchers sent all available units in the city to assist with the large, unruly crowd. This included officers assigned to Bull's Eye and patrol officers. Officers were trying to deal with protesters while some DPAC patrons joined in. There were large active groups in several areas near the DPAC. People were trying to enter DPAC for the 10 p.m. show during this time.

## **Attempt to Flip Cruiser**

Many protesters surrounded an unoccupied white unmarked police cruiser with blue lights flashing in the middle of Mangum Street near the Durham County Jail and DPAC. Protesters placed several traffic cones and other debris under the police car while chanting, "Flip it. Flip it. Flip it." Officers were able to disperse the crowd from around the cruiser.

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## **DPAC Disturbance**

At 9:49 p.m., people were running over traffic cones and trying to push through the line of bicycle officers. There were two additional requests for more officers at Mangum Street and Vivian Street and the MFF also responded to the area. Officers responded from throughout the city.

The protesters headed to the entrances at DPAC and bicycle officers set up a line formation to protect the entrances to DPAC. MFF came to the north end of DPAC at the same time as protesters ran toward bike officers. The crowd continued to press toward officers and many chanted "F\*\* the police," "Shut it down" and "I can't breathe." There were many DPAC patrons who started to encourage protesters by shouting, chanting and clapping. The protesters became combative and assaultive – rushing the lines of officers, chest bumping officers and swinging sticks.

## **Arrests**

By 9:51 p.m., officers had made six arrests in the DPAC area. Arrestees were charged with failure to disperse and impeding traffic.

## **Dispersal Orders/LRAD Deployment**

An LRAD (Long Range Acoustical Device) is a high powered loudspeaker used to give commands and has an ability to emit a siren designed to be an irritant capable of dispersing a crowd. We bought the LRAD 300x because of past problems having our commands heard over chanting crowds and loud drumming. We have one of the smaller versions. Officers are trained in the use of the LRAD and they use it to notify and command crowds to disperse. When used properly, the LRAD does not cause injury.

Officers gave repeated dispersal orders (each dispersal order was followed by LRAD emergency tones) to the crowd. The LRAD siren was fully activated around 10:09 p.m., causing the crowd to disperse.

The crowd then started moving toward downtown and the protesters started to throw debris in the street. Some protesters were loading bookbags with rocks from railroad



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tracks. Officers without helmets were told to leave the area at this time for their own protection.

A description of the event from the TriANARCHY (see attachment 2)

*"When riot cops surrounded us on one side and bike cops on the other the crowd sort of faltered for a few minutes, giving the cops the opportunity to extend their lines. A friend was convincing a large crew of kids to charge through the bike cops, "Those cops up there are covered in body armor, these ones are just wearing bike helmets. Do you want to go against the hard cops or the soft ones." "Let's go through the bike cops!" We turned down the hill and surged toward the line of yellow-jacketed bike cops. I saw that they had a gap to the right and pushed past a cop who was trying to close the space. I quickly ducked behind a building and de-blocked and came around in time to see most of the crowd breaking through the line of cops, a scraggly drummer leading the charge. When on the other side we punched, pushed, shoved and kicked at the cops who were grabbing friends trying to break through."*

## EMS Call

During the large protest in the DPAC area, EMS employees were dispatched to a call at 10:04 p.m. about a male in a diabetic crisis on a DATA bus near the intersection of Dillard Street and East Main Street, a short distance from the riot. EMS requested that the bus be moved, if possible, to a safer location and requested police assistance due to the riot. Police assisted the DATA driver in moving the bus to Pettigrew Street. By the time EMS personnel were able to reach the patient, 26 minutes had passed. The patient's condition deteriorated during the wait – at 10:29 p.m., police officers told dispatch that "the patient feels faint and can hardly see now."

## Protest Returns to CCB Plaza Area

Protesters marched back toward CCB Plaza and threw newspaper racks in the street as they marched. At 10:18 p.m., we were told that protesters' medics started to put their gas masks on. **With the exception of the 12 member Selective Enforcement Team,** Durham police officers did not put on gas masks during the entire event. **The Selective Enforcement Team was positioned behind the Mobile Field Force and is responsible for deploying tear gas if the need arises. Tear gas was never deployed in this event. The Selective Enforcement Team was never involved in the arrest of the protestors.** At 10:21 p.m., officers stopped traffic on Mangum Street near the loop. The crowd of approximately 100 to 150 congregated on CCB Plaza and moved toward the Marriott.

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## **Protest Moves Toward Skate Park/Central District Substation Area**

Shortly before 10:30 p.m., the crowd headed toward Foster Street and the skate park. The crowd briefly split into two groups and the smaller group moved toward Central District substation on Rigsbee Avenue. Members of the crowd near the skate park threw rocks at the bicycle officers. Several officers were struck with rocks.

## **Dispersal Orders**

Meanwhile, the large, unruly crowd moved to the area of Foster Street and Corporation Street and was eventually joined by the smaller group. At 10:44 p.m., officers repeatedly ordered the crowd to disperse and told them gas will be deployed if they do not. A group wearing hoodies and carrying sticks came up behind the bike officers. They were described by officers as “very combative.”

At 10:48 p.m., all officers in the city were sent to assist officers in the area of Foster and Geer streets. There were at least 100 people in the rowdy crowd and they had pushed through the bicycle officers. One officer was hit in the back of the leg with a blunt object and someone attempted to grab the officer’s holster and gun. Officers from the Mobile Field Force attempted to disperse the crowd and repeatedly used the LRAD microphone to tell the crowds to disperse. The dispersal command included the message they would be arrested if they did not disperse. Members of the crowd responded back by shouting “Do not leave.”

## **Arrests**

Officers arrested 25 protesters who remained on the street after the dispersal commands were given. Officers transported the prisoners to headquarters where they were processed. Several officers reported a strong odor of alcohol in the processing area.

Approximately 40 people pushed and shoved through the bicycle officers and escaped. Officers made the arrests when they had the tactical ability to safely make the arrests.

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The scene was cleared and communications stopped monitoring the situation shortly before 11:30 p.m.

### **Molotov Cocktail**

Late the next morning, a passerby found an unlit Molotov cocktail in the 600 block of Foster Street between West Geer Street and West Corporation Street (the area where more than 20 protesters were arrested).



*Molotov Cocktail*

### **Cost of December 4 & 5 Protests/Overtime Funds**

According to the Police Department's Fiscal Services Division, the total personnel service cost for these two days came to \$35,265.91. Of this, \$20,773.61 is from overtime and \$14,492.29 is straight time.

### **Summary**

The protest lasted approximately four hours and resulted in the arrests of 31 people (six near DPAC and 25 in the area of Geer and Foster streets). Approximately 120 officers worked the protest on December 5. They were assisted by the Durham County

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Sheriff's Office, Durham Fire Department and Durham County EMS. This cost the City more than \$35,000 in personnel costs for the two nights of protesting on December 4 and 5.

The protesters caused a section of the Durham Freeway (a major route to Duke University Hospital) to be shut down for more than 30 minutes, which resulted in extensive traffic backups and delays. The protesters also disrupted crowds entering and leaving shows at the DPAC. During this time, EMS units had difficulty responding to an emergency medical call due to the large, unruly protests in the area.

Three separate times during the December 5 protests, all officers in the city were dispatched to specific areas to provide backup and assistance. This affected police coverage in other areas of the city. During this time there were at least three robbery calls and one aggravated assault call dispatched to officers. Several officers were assaulted during the protest.

### **TriANARCHY Future Plans**

According to the post on TriANARCHY (see attachment 2), these are some plans for future Durham protests –

“In Durham, it feels to us like we are just finding ourselves as a diverse and contradictory but motivated social force. The police are becoming aware of this too; we need to be able to learn from our successes and failures faster than they do. Whether highway takeovers continue or not, we would continue to explore various tactical options. What other avenues exist to take over space, express our rage against this system, and disrupt the running of the city, its economy and the various mechanisms that reproduce whiteness? We can imagine unpermitted cop-free block parties, occupied buildings, the downtown jail blockaded at every entrance, the gleeful shopping sprees of Southpoint Mall disrupted by hundreds of bodies, highschool walkouts, community substations vandalized every night, the Black-led disruption of white church services (a common tactic used in Birmingham in 1963), walls painted from head to toe with the names of those stolen from our communities by the state, symbols of complacency or a return to normality attacked, and a hundred other things. Certain methods of discontent will speak to some more than others, but all of them could combine to make us all more powerful.”

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## December 5 Arrests

1. Austin Marie Bouton, 24, of Durham – charged with failure to disperse and impeding the flow of traffic
2. Susan Catherine Edgerton, 32, of Durham – charged with failure to disperse and impeding the flow of traffic
3. Adrienne Liege Harreveld, 21, of Durham – charged with failure to disperse and impeding the flow of traffic
4. Tamika Monique Heard, 21, of Durham – charged with failure to disperse and impeding the flow of traffic
5. Aaron Alexander Caldwell, 21, of Raleigh – charged with failure to disperse and impeding the flow of traffic
6. Susan Anne Pietroluongo, 23, of Apex – charged with failure to disperse and impeding the flow of traffic
7. Akeem Zarhar Cheek, 29, of Durham – charged with failure to disperse and impeding the flow of traffic
8. Morgan Anne Brooks, 25, of Raleigh – charged with failure to disperse and impeding the flow of traffic
9. Sara Taylor, 26, of Durham – charged with failure to disperse and impeding the flow of traffic
10. Allison Charlotte Swaim, 26, of Durham – charged with failure to disperse and impeding the flow of traffic
11. Kathleen Rebecca Yow, 28, of Hillsborough – charged with failure to disperse and impeding the flow of traffic
12. Chelsea Amanda Flowers, 29, of Durham – charged with failure to disperse, impeding the flow of traffic and resisting, delaying and obstructing officers

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13. Kellie Ann Grubbs, 28, of Graham – charged with failure to disperse and impeding the flow of traffic
14. Alexandria Leigh Stewart, 22, of Durham – charged with failure to disperse and impeding the flow of traffic
15. Masha Taskindoust, 21, of Durham – charged with failure to disperse and impeding the flow of traffic
16. Dominique A. Beaudry, 21, of Concord – charged with failure to disperse and impeding the flow of traffic
17. Gabrielle Karine Beaudry, 18, of Concord – charged with failure to disperse and impeding the flow of traffic
18. Laurin Michelle Gioglio, 29, of Carrboro – charged with failure to disperse and impeding the flow of traffic
19. Natalie Frances Smith, 33, of Durham – charged with failure to disperse and impeding the flow of traffic
20. Kenneth M. Strickland, 29, of Durham – charged with failure to disperse and impeding the flow of traffic
21. John Charles Thornton, 28, of Durham – charged with failure to disperse
22. Crystal Larence Eatmon, 19, of Durham – charged with failure to disperse and impeding the flow of traffic
23. Rachel Anna Cotterman, 26, of Hillsborough – charged with failure to disperse and impeding the flow of traffic
24. Danielle Katherine Nelson, 22, of Durham – charged with failure to disperse and impeding the flow of traffic
25. Lauren Brooks Parker, 30, of Durham – charged with failure to disperse and impeding the flow of traffic
26. Erin Bree Heuerman, 32, of Durham – charged with failure to disperse and impeding the flow of traffic

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- 27. Asha Renee Godfrey, 22, of Graham – charged with failure to disperse and impeding the flow of traffic
- 28. McKenna Elizabeth Ganz, 21, of Colorado Springs, Colorado – charged with failure to disperse and impeding the flow of traffic
- 29. Abigail Victoria Harris, 25, of Chapel Hill – charged with failure to disperse and impeding the flow of traffic
- 30. Lydriquez Blount, 26, of Durham – charged with failure to disperse and impeding the flow of traffic
- 31. Charles William Soeder, 28, of Durham – charged with failure to disperse and impeding the flow of traffic